



SPECIAL PROCESS SERVER

IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

RECEIVED

AMTRAK

AUG 31 2020

ELEANOR D ACHESON

EXECUTIVE VICE PRESIDENT,

CHIEF LEGAL OFFICER,

GENERAL COUNSEL & CORPORATE SECRETARY

Judge or Division: REX M BURLISON	Case Number: 2022-CC09590	Special Process Server 2
Plaintiff/Petitioner: GRACE JENKINS	Plaintiff's/Petitioner's Attorney Address: JAMES WINDSOR EASON 124 GAY AVENUE SAINT LOUIS, MO 63105	Special Process Server 3
Defendant/Respondent: NATIONAL RAILROAD PASSENGER CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
Nature of Suit: CC Pers Injury-Other		

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: **NATIONAL RAILROAD PASSENGER CORPORATION**
 Alias: DBA AMTRAK
ELEANOR D ACHESON CHIEF LEGAL OFFICER, GEN COUNSEL, & CORP SECRETARY
 1 MASSACHUSETTS AVENUE NW
 WASHINGTON, DC 20005

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

August 26, 2020

Date

Further Information:

Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
 in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

2022-CC09590

Electronically Filed - City of St. Louis - August 21, 2020 - 05:22 PM

IN THE 22ND JUDICIAL CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

GRACE JENKINS,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION, a/k/a AMTRAK,

Serve:

Eleanor D. Acheson
Chief Legal Officer, General Counsel &
Corporate Secretary
1 Massachusetts Avenue, NW
Washington, DC 20005

Defendant.

Cause No.:

JURY TRIAL DEMANDED

Hand delivery

RECEIVED

AMTRAK

AUG 31 2020

ELEANOR D. ACHESON

EXECUTIVE VICE PRESIDENT,
CHIEF LEGAL OFFICER,
GENERAL COUNSEL & CORPORATE SECRETARY

PETITION

COMES NOW Plaintiff, GRACE JENKINS (hereinafter "JENKINS"), and for her cause of action against Defendant, NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK (hereinafter "AMTRAK"), alleges as follows:

COUNT I

1. Plaintiff, JENKINS, was a guest at the St. Louis Amtrak Train Station on August 25, 2016.
2. Plaintiff, JENKINS, is now and was at all time hereinafter mentioned a citizen of the state of Illinois.
3. Defendant, AMTRAK, is now, and was at all times hereinafter mentioned, a corporation duly organized, created and existing and was at all times hereinafter mentioned a common carrier in interstate transportation and commerce by railroad.

4. The Defendant operates trains, owned tracks and yards and other property in the counties comprising the city of St. Louis.

5. Venue is proper within this Court because at least one of the unlawful practices complained of herein occurred in the City of St. Louis, State of Missouri.

6. At all times pertinent hereto, the property, equipment, materials and operations involved in the injuries sustained by the Plaintiff were owned by the Defendant and/or were under the direct and exclusive control of the Defendant, its servants, agents and/or employees.

7. Due to the unique control it possesses over its passengers' safety, Amtrak as a common carrier owed the Plaintiff the highest degree of care.

8. Prior to boarding the train in St. Louis, Missouri. Ms. Jenkins fell when the escalator "jerked," causing Plaintiff to lose her balance. This caused Plaintiff to suffer injuries to her back and body, including but not limited to, a left wrist injury that would eventually require surgery.

9. Plaintiff, JENKINS, states that her injuries and damages resulted in whole or in part from the negligent acts or omissions of the Defendant, AMTRAK, in one or more of the following particulars:

- a) Defendant's employees failed to warn Plaintiff of the dangers of an escalator not working properly;
- b) Defendant failed to properly maintain its escalator to prevent malfunctions; or
- c) Defendant failed to provide reasonably safe equipment for its passengers; or
- d) Defendant failed to provide adequate protection from escalator falls by its passengers.

10. As a result, in whole or in part, of the aforementioned conduct of the Defendant, AMTRAK, Plaintiff was caused to suffer serious, painful, and permanent injuries. Plaintiff suffered and will continue to suffer pain and mental anguish. Plaintiff was caused to undergo medical treatment, tests, and therapy. Plaintiff has expended or obligated herself for necessary and reasonable medical expenses and hospital care for medical treatment. Plaintiff has suffered pain and suffering and will in the future have pain and suffering as a result of Defendant's negligence. Plaintiff's ability to enjoy the normal pursuits of life has been impaired and lessened all to Plaintiff's damage.

WHEREFORE, Plaintiff, GRACE JENKINS, prays for Judgment against the Defendant for a sum fair and reasonable under the circumstances in excess of Seventy-Five Thousand Dollars (\$75,000.00) together with her costs herein expended.

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

JAMES W. EASON, #57112
THE EASON LAW FIRM, LLC
1924 Chouteau Avenue
Saint Louis, MO 63103
(314) 932-1066
(314) 667-3161 Facsimile
james.w.eason@gmail.com

2022-CC09590

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Grace Jenkins
 Plaintiff/Petitioner

August 21, 2020
 Date

vs.

National Railroad Passenger Corp., a/k/a AMTRAK
 Defendant/Respondent

Case number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Grace Jenkins, by and through the undersigned counsel, pursuant
 Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of

Tony Snesko/Same Day Process Service 1413 K Street NW, 7th Fl., Washington | 202.398.4200

Name of Process Server Address Telephone

Name of Process Server Address Telephone

Name of Process Server Address Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

National Railroad Passenger Corp., a/k/a AMTRA

Name
 1 Massachusetts Avenue, NW

Address
 Washington, DC 20005

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By
 Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

James W. Eason

Attorney/Plaintiff/Petitioner
 57112

Bar No.
 1924 Chouteau Avenue, St. Louis, MO 63103

Address
 314.932.1066

Phone No.

RULE 14 SPECIAL PROCESS SERVERS

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
 - a. Is twenty-one years of age or older;
 - b. Has a high school diploma or an equivalent level of education;
 - c. Has insurance coverage for any errors or omissions occurring in the service of process;
 - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
 - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

- a. Misrepresentation of duty or authority;
- b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
- c. Improper use of the license;
- d. Making a false return; or
- e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)